

## REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1-22 have been rejected. Claims 12 and 14 have been amended. Applicants respectfully request reconsideration of the application in view of the above amendment and the following remarks submitted in support thereof.

### Claim Objections

The Examiner objected to claims 12 and 14 because the acronyms SCSI, ATAPI, and UDMA not spelled out. As a result, Applicants have amended claims 12 and 14 to define the words of the acronyms. Accordingly, Applicants respectfully request the Examiner to withdraw the objections to claims 12 and 14.

### Drawing Objections

The Examiner objected to the drawings under 37 CFR §1.83(a) because the drawings fail to show all essential limitations in the claims as described in the specification.

Applicants respectfully traverse the Examiner's objection to the drawings because the drawings show all the essential features of the claimed invention. For example, the storage encapsulation protocol (SEP) header defined in independent claims 1 and 13 is fully illustrated in Figures 3A and 3B. Furthermore, the method operations of attaching SEP headers, attaching STP headers, encapsulating STP packets, and serializing the storage data using SEP headers as defined in all or parts of independent claims 1, 13, 19, and 20 are shown in Figures 2A-2C, 4A-4H, and 6.

As a result, the Applicants submit that all the essential features specified in the claims are shown in the figures for a proper understanding of the invention. The Examiner also specified that proposed drawings are required to avoid abandonment of the application. Since

the Examiner's objection was not specific, the Applicants would gladly provide proposed drawings if the Examiner can specifically specify which essential features he believes are not fully shown.

**Obviousness Rejections under 35 U.S.C. §103(a)**

Claims 1-12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,172,990 to Deb et al. in view of U.S. Patent No. 5,909,564 to Alexander et al. As will be fully explained below, the combination of Deb et al. in view of Alexander et al. does not raise a *prima facie* case of obviousness against independent claim 1.

Independent claim 1 defines a method for processing storage data that is to be communicated over a network. In particular, storage data is serialized using storage encapsulation protocol headers to generate serialized storage data.

In support of the 35 U.S.C. §103(a) rejection, the Examiner noted that Deb et al. teach or suggest storage encapsulation protocol (SEP) headers. Applicants respectfully traverse the Examiner's characterization of Deb et al. relative to independent claim 1 because the portion of the reference relied upon by the Examiner (col. 19, line 59 through col. 20, line 3) does not teach SEP headers. Specifically, Deb et al. only disclose an IP header, a TCP header, and a SMTP header (col. 19, lines 64-66). The IP, TCP, and SMTP headers are not SEP headers. In fact, the term "storage encapsulation protocol" is not disclosed anywhere in the entire specification. As such, Deb et al. cannot reasonably be considered to teach or suggest the SEP headers, as defined in independent claim 1.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations (see M.P.E.P. §2143). Here, in view of the incorrect

characterization of Deb et al., the references as combined do not teach all the features of the claimed invention.

Additionally, to establish a prima facie case of obviousness based on a combination of references, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one having ordinary skill in the art, to combine the references in the manner proposed. The Examiner noted that “[i]t would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Deb and Alexandria to have the serialized data into Ethernet frame because it would have an efficient system that can reduce costs and complexity” (see Office Action mailed October 30, 2003 at page 4). Applicants respectfully traverse the Examiner’s characterization of Deb et al. and Alexander et al. In particular, the teachings of Deb et al. focus on adding a micro-RISC stream processor in a media access controller to pre-process packets (col. 3, lines 1-5 and col. 4, lines 49-59). In contrast, the teachings of Alexander et al. focus on Ethernet frame switches. Media access controllers and Ethernet frame switches relate to entirely different applications. As the teachings of Deb et al. have nothing to do with the problem addressed by Alexander et al., Applicants submit that there would not have been any motivation for one having ordinary skill in the art to combine Deb et al. and Alexander et al. in the manner proposed by the Examiner.

Accordingly, for the above-stated reasons, Applicants submit that independent claim 1 is patentable under 35 U.S.C. §103(a) over Deb et al. in view of Alexander et al. Claims 2-12 and 14, each of which depends directly or indirectly from independent claim 1, are likewise patentable under 35 U.S.C. §103(a) over Deb et al. in view of Alexander et al. for at least the same reasons set forth for independent claim 1. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection for claims 1-12 and 14.

**Anticipation Rejections under 35 U.S.C. §102(e)**

The Examiner has rejected claims 13 and 15-22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,172,990 to Deb et al. For the reasons put forth below, Applicants respectfully assert that Deb et al. fail to identically disclose each and every feature defined in independent claims 13, 19, and 20.

Independent claim 13 defines a method for communicating storage data over an Ethernet network using a non-TCP lightweight transport protocol. In particular, storage encapsulation protocol (SEP) headers are attached to selected portions of data. Additionally, simple transport protocol (STP) headers are attached to one or more of the selected portions having the SEP headers to produce STP packets.

In support of the 35 U.S.C. §102(e) rejection, the Examiner noted that Deb et al. teach SEP headers as defined in independent claim 13. Applicants respectfully traverse the Examiner's characterization of Deb et al. relative to claim 13 because, as discussed above, the IP, TCP, and SMTP headers disclosed in Deb et al. are not SEP headers.

Further, the Examiner noted that Deb et al. teach STP headers as defined in independent claim 13. Applicants respectfully traverse the Examiner's characterization of Deb et al. relative to claim 13 because the portions of the reference relied upon by the Examiner (col. 11, lines 44-51 and col. 19, line 59 through col. 20, line 3) do not teach STP headers. Specifically, Deb et al. only disclose a simple mail transfer protocol (SMTP) header (col. 11, line 48). SMTP is a protocol for sending e-mail messages between servers. In contrast, independent claim 13 defines STP packets for communicating storage data over the Ethernet network. As Deb et al. disclose a different protocol, Deb et al. cannot reasonably be considered to disclose the STP headers as defined in independent claim 13.

The Examiner also noted that Deb et al. teach communicating storage data over an Ethernet network using a non-TCP lightweight transport protocol, as defined in independent claim 13. Again, applicants respectfully traverse the Examiner's characterization of Deb et al. relative to claim 13. In particular, Deb et al. disclose custom data structures containing "a pointer to the start of a transmission control protocol (TCP) header" (col. 11, lines 46-47). As a result, the custom data structures uses TCP protocol. In contrast, independent claim 13 defines the use of a non-TCP lightweight transport protocol. As Deb et al. teach the use of a TCP protocol for communication, Deb et al. cannot reasonably be considered to disclose communicating storage data over an Ethernet network using a non-TCP lightweight transport protocol, as defined in independent claim 13.

Independent claims 19 and 20 define methods for communicating data using a non-TCP lightweight transport protocol. Similar to independent claim 13, STP headers are attached to selected portions of data to produce STP packets. As discussed above, Deb et al. cannot be reasonably considered to disclose STP headers and communicating data using a non-TCP lightweight transport protocol.

As Deb et al. fail to teach each and every element of the claimed invention, the Applicants respectfully submit that independent claims 13, 19, and 20 are patentable under 35 U.S.C. § 102(e) over Deb et al. Further, dependent claims 15-18 and 21-22, each of which directly or indirectly depends from independent claims 13, 19, and 20 are submitted to be patentable under 35 U.S.C. § 102(e) over Deb et al. for the reasons set forth above. Accordingly, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 102(e) rejections for claims 13 and 15-22.

**Conclusion**

In view of the foregoing, the Applicants respectfully submit that all pending claims 1-22 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP085B). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
**MARTINE & PENILLA, L.L.P.**



Michael K. Hsu, Esq.  
Reg. No. 46,782

**Martine & Penilla, LLP**  
710 Lakeway Drive, Suite 170  
Sunnyvale, California 94085  
Telephone: (408) 749-6900  
Customer Number 25920